REMARKS

The Final Office Action mailed February 19, 2009 has been received and carefully considered. Claims 79-99 are pending in the application. Claims 79, 87, 90 and 97 have been amended. It is believed that this Amendment, in conjunction with the following remarks, places the application in immediate condition for allowance.

A. Examiner Interview

Pursuant to M.P.E.P. § 713.04, the substance of the interview conducted on October 13, 2009, between Martin R. Bader (Reg. No. 54,736) and the Examiner is set forth below. The September 17, 2009 Office Action was discussed during the Interview including U.S. Patent No. 5,555,299 (*Maloney et al.*). Applicant discussed with the Examiner that *Maloney et al.* was not directed to a system that included an interactive voice response unit that dynamically decided an additional query to ask the requestor during the call. Applicant and the Examiner discussed the amendments to claims 79 and 90 contained herein. The Examiner agreed that the amendments would be sufficient to overcome the present rejection. Applicant stated that it did not appear that the limitation was not necessary to distinguish *Maloney et al.* No exhibits were used or demonstrations conducted.

B. The Anticipation Rejection of Claims 79-81, 83-88, 90-94, 96-97 and 99

Claims 79-81, 83-88, 90-94, 96-97 and 99 stand rejected under 35 U.S.C. § 102(b), as allegedly being anticipated by U.S. Patent No. 5,555,299 (*Maloney et al.*).

"A claim is anticipated only if ***each and every element*** set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. of Cal.*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987) (emphasis added).

The Examiner states that *Maloney et al.* teaches "wherein the IVR dynamically decides an additional query to ask the requestor during the call based upon the information already received from the requestor and based upon the other existing data pertaining to the requestor that has been obtained from an additional source" at Col. 10, lines 2-16 of *Maloney et al.* However, this section of *Maloney et al.* discloses a conversation that is taking place between a customer and a ***live agent*** (referred to as a customer service representative ("CSR")). There is no teaching in

Maloney et al. that the customer service representative is anything other than a ***live agent***. The Examiner has previously taken the position that the live agent of *Maloney et al.* was part of the interactive voice response unit 54 ("IVRU" or "VRU"). Specifically, the Examiner took the position that the customer service representative's workstation 54 was coupled to the VRU 18, and thus was considered part of the VRU. Further, the Examiner stated that the live agent or CSR associated with the workstation was part of the VRU. Applicant respectfully traverses the position taken by the Examiner.

Amended independent claim 79 recites "dynamically and automatically deciding, at the fully automated interactive voice response unit, an additional query to ask the requestor during the call based upon the information already received from the requestor and based upon other existing data accessed from an additional source." Amended independent claim 90 recites "wherein the fully automated IVR dynamically and automatically decides an additional query to ask the requestor during the call based upon the information already received from the requestor and based upon the other existing data pertaining to the requestor that has been obtained from an additional source." These limitations clearly distinguish the claimed IVR with the live agent of *Maloney et al.* Moreover, the Examiner agreed during the interview that these limitations would overcome the current rejection.

Therefore, Applicant respectfully submits, for at least the reasons stated above, that *Maloney et al.* does not anticipate claims 79-81, 83-88, 90-94, 96-97 and 99 and that the present rejection is overcome.

C. The Obviousness Rejection of Claims 82, 89, 95 and 98

Claims 82, 89, 95 and 98 stand rejected under 35 U.S.C. § 103(a), as allegedly being obvious in view of the combination of U.S. Patent No. 5,555,299 (*Maloney et al.*) and U.S. Patent No. 5,239,462 (*Jones et al.*).

As described above, *Maloney et al.* does not teach or suggest at least "dynamically and automatically deciding, at the fully automated interactive voice response unit, an additional query to ask the requestor during the call based upon the information already received from the requestor and based upon other existing data accessed from an additional source" as recited in claim 79. Similarly, *Maloney et al.* does not teach or suggest "wherein the fully automated IVR

dynamically and automatically decides an additional query to ask the requestor during the call based upon the information already received from the requestor and based upon the other existing data pertaining to the requestor that has been obtained from an additional source," as recited in amended independent claim 90. *Jones* likewise does not teach or suggest these elements.

Therefore, Applicant respectfully submits that the obviousness rejection is overcome and claims 82, 89, 95 and 98 are in condition for allowance.

CONCLUSION

Applicants respectfully submit that the above amendments and remarks place the pending claims in condition for allowance. Therefore, a Notice of Allowance is respectfully requested. If there are any outstanding issues, the undersigned can be reached directly at (858) 458-3011.

Applicant does not believe any fees are due with this submission. Nonetheless, in the event that the U.S. Patent and Trademark Office requires any fees to enter and/or consider this Response, or to prevent abandonment of the present application, please charge such fees to the undersigned's Deposit Account No. 50-2613.

. Respectfully submitted,

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